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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,470	12/30/2003	Richard Boudinot	026032-4592	7062

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EXAMINER

NELSON JR, MILTON

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/748,470	BOUDINOT, RICHARD	
	Examiner	Art Unit	
	Milton Nelson, Jr.	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/06/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3, 6, 8-14, 16-23, 25-51, 53, 54 and 56-61 is/are pending in the application.
- 4a) Of the above claim(s) 18-20, 29-31 and 51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 44 is/are allowed.
- 6) ☒ Claim(s) 3, 6, 8-13, 16, 17, 21-23, 25-28, 32-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/09/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information referred to in Applicant's information disclosure statement has been considered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 35, 56 and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 9, it cannot be determined if Applicant intends to positively claim the combination of an entertainment system and a seat, or the subcombination of a display for use with a seat. Lines 3 to 4 appear to set forth the subcombination. Note the recitation "a display configured to display images to a passenger in the vehicle, the display configured to be mounted to a seat of the

Art Unit: 3636

vehicle". Line 11 appears to set forth the combination. Note the recitation "the display is in an upper region of a seatback of the seat". Clarification in the claim language is required. Lines 4 to 5 of claim 35 are grammatically vague. Note the recitation "the first torque and the pivotable opposite to the forward direction of travel". Lines 56 and 57 are indefinite since each depends from an indefinite claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 6, 8, 10-13, 16-17, 21-23, 25-27, 53 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (5316369). Note the display (4), clockwise and counter-clockwise pivoting with respect to the seat (about member 6), pivoting opposite to the forward direction (note that after 4 leaves the use position in Figure 2, it travels in the rearward direction after the first 90 degrees of rotation; the first 90 degrees of rotation is in the forward direction); pivoting opposite to the forward direction of travel against action of a spring member (note that from the use position, after the first 90 degrees of rotation, the second 90 degrees of rotation is rearward against the action of spring member 29); pivoting in the forward direction of travel (from the stored position, the first 90 degrees of rotation is forward; from the use position, the first 90 degrees of

rotation of forward); pivoting in the forward direction against action of a spring member (from the use position, the first 90 degrees of rotation is forward, which is against the action of spring member 29); pivoting in the forward direction against action of a damper member (from the use position, the first 90 degrees of rotation is forward against any of the friction mechanisms described in column 4 and shown in Figures 8-14); pivoting opposite to the forward direction (from the use position, the second 90 degrees of rotation is rearward; from the stored position, the second 90 degrees of rotation is rearward); pivoting opposite to the forward direction against action of a spring member (from the use position, the second 90 degrees of rotation is rearward against the action of spring member 29) and pivoting in the forward direction of travel against action of a spring member (from the use position, the first 90 degrees of rotation is forward against action of the spring member 29); pivoting opposite to the forward direction against action of a spring member (from the use position, the second 90 degrees of rotation is rearward against the action of spring member 29) and pivoting in the forward direction of travel against action of a damper member (from the use position, the first 90 degrees of rotation is forward against the action of the damper 28); pivoting in the forward direction of travel by generating a first torque (from the stored position, the first 90 degrees is forward and the first torque is provided by the spring member 29), and pivoting further in the forward direction by generating a second torque of greater force than the first torque (from the use position, the first 90 degrees of rotation is forward and the second torque is of greater force than the first force to overcome the action of spring member 29). Also note that the first torque is "about" an amount of force equal to

Art Unit: 3636

acceleration forces produced by "a" rear collision. Additionally note the multipart frame (10, 6, as shown in Figure 4), first side (screen) and second side (backing wall).

Claims 41-43, 45-48, 50 and 58-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (5316369). Note the description of Kanda, above. Additionally note the Note the display screen (4), braking mechanism (15), and adapter (6).

Claims 28 and 32-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Shafer (1178107). Note the display screen (4, C) that moves in both a clockwise and counterclockwise direction (see lines 95-102 on page 2) or forwardly and rearwardly depending on the movement and orientation of the backrest. Also note the capability of torque to provide slight pivoting and application of torque that allows pivoting of 90 degrees. Note that rotation of the display provides the capacity for it to face in either direction (note Figures 2 and 4). Also note the multipart frame (1, 2, 3). It can be seen that one side of the display provides visibility of the display, while the opposite side provides protection of the display. Also note the axis (3) extending in a transverse direction of the seat, and a means (6) for generating first and second torque, wherein 6 has the capability of producing the second torque with greater force than the first torque. The capacity exists for the first torque to cause travel to a certain point, wherein the second torque can cause travel beyond the certain point. Additionally note the braking mechanism (12).

Claims 41-43, 45-50, and 58-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Shafer (1178107). Note the description of Shafer, above.

Claims 41-43, 46, 48-50 and 58-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakurai (5529265). Note the display screen (10), spring member (8), damper member (7, 12), multipart frame (see Figure 1), and first and second sides (see Figure 1). Sakurai has the capacity for generating first and second torque, wherein the second torque has a greater force than the first torque. The capacity exists for the first torque to cause travel to a certain point, wherein the second torque can cause travel beyond the certain point.

***Allowable Subject Matter***

Claims 14 and 44 are allowed.

Claims 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 56 and 57 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Amendment/Arguments***

Applicant's response has been fully considered. Remaining issues are described in the above sections.

Regarding claim 3, Applicant argues that Kanda fails to show the limitation of a "display [which] is in an upper region of a seatback of the seat". This limitation does not appear in claim 3 and arguments directed to this limitation are more limiting than the actual claim language. Applicant argues that Kanda fails to show the first torque being "about" an amount of force equal to acceleration forces produced by "a" rear collision. The term "about" is infinitely broad, and therefore the first torque falls within the range presented by "about" an amount of force equal to acceleration forces produced by a rear collision.

Regarding claim 41, Applicant argues that Kanda fails to show the limitation of a "display [which] is in an upper region of a seatback of the seat". This limitation does not appear in claim 3 and arguments directed to this limitation are more limiting than the actual claim language.

Regarding claim 41, Applicant argues that Shafer fails to show a display screen. Shafer shows a display screen at 4 and C. Arguments regarding claim 44 are considered persuasive, and the prior art rejections have been withdrawn.

Arguments regarding claim 9 are persuasive, and the prior art rejection has been withdrawn.

Arguments regarding claim 14 are persuasive, and the prior art rejection has been withdrawn.



Regarding claim 28, Applicant argues that Shafer fails to show a display screen. Shafer shows a display screen at 4 and C.

Regarding claim 41, Applicant argues that Sakurai fails to show a display screen that is pivotable in the forward direction of travel by generating a first torque and pivoted farther in the forward direction of travel by generating a second torque of greater force than the first torque. Clearly a rotational force provided to the screen is provided by a first torque. A second rotational force provided to the screen will clearly provide further torque. It is clear that this torque can be of a greater force than the first torque.

All remaining rejections are proper.

Applicant is advised that non-elected claims 18-20, 29-31 and 51 remain withdrawn from further consideration. A complete reply to the final rejection should include cancellation of nonelected claims or other appropriate action.

Applicant is advised that claim 16 is a duplicate of claim 12. Claim 53 is a duplicate of claim 10. Claim 54 is a duplicate of claim 11. Appropriate action is required regarding these duplicates.

It is suggested that "is" be inserted after "screen" in line 1 of claim 43 in order to improve grammar.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

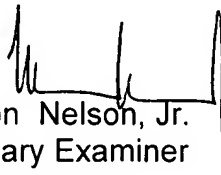
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. **The examiner can normally be reached on Monday-Wednesday, and alternate Fridays, 5:30-3:00 EST.**

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Milton Nelson, Jr.  
Primary Examiner  
Art Unit 3636

mn  
October 23, 2006